

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

MANOR INVESTMENTS, LTD.,)	
)	
Plaintiff,)	
vs.)	Civil Action No. 09-1178
)	
PHARMACY OPERATIONS, INC.,)	
MEDICINE SHOPPE)	
INTERNATIONAL, INC.,)	
CARDINAL HEALTH, INC., AND)	
COLLIERS INTERNATIONAL)	
TURLEY MARTIN TUCKER, INC.,)	
)	
Defendants.)	

ORDER

CONTI, District Judge

This matter is before the court on Plaintiff Manor Investments, Ltd.’s (“Plaintiff”) Motion to Remand (Docket No. 25) the above-captioned action back to the Court of Common Pleas of Fayette County, Pennsylvania, pursuant to 28 U.S.C. § 1447(c). Defendants Pharmacy Operations, Inc., Medicine Shoppe, International Inc., and Cardinal Health, Inc. (collectively, “Defendants”) timely filed a response to plaintiff’s Motion to Remand. Upon consideration of Plaintiff’s complaint (“Complaint”), Defendants’ Notice of Removal, as well as the parties’ respective briefs on the underlying issue, the court hereby **DISMISSES WITH PREJUDICE**, all federal claims contained in the Complaint and **GRANTS** plaintiff’s Motion to Remand only with respect to the claims asserted under state law for the following reasons:

Plaintiff’s Complaint alleges a claim pursuant to 42 U.S.C. § 1983 and invokes 28 U.S.C. § 1331 (federal question jurisdiction) by its very terms. See Complaint ¶7. Since federal question jurisdiction is invoked on the face of Plaintiff’s Complaint, Defendants removed the

instant matter pursuant to 28 U.S.C. §1441(b). Plaintiff invoked this Court's exercise of jurisdiction over Plaintiff's §1983 claim under 28 U.S.C. §§1331 (federal question jurisdiction).

This Court's Order dated December 17, 2009 (Docket No. 24), directed Plaintiff to file an amended complaint on or before February 26, 2010, or the Court would dismiss Plaintiff's Complaint with prejudice. Plaintiff failed to file an amended complaint on or before February 26, 2010. Accordingly, Plaintiff's federal claims contained in the Complaint are hereby **DISMISSED WITH PREJUDICE.**

On or before March 31, 2010 Defendants shall file a notice of costs and fees, detailing the costs and fees incurred as a result of the removal. Plaintiff is hereby **ORDERED** to show cause on or before April 14, 2010 why the costs and actual expenses, including attorneys' fees, incurred by Defendants as a result of the removal due to Plaintiff's careless pleadings should not be paid by Plaintiff. Unless Plaintiff, on or before that date, shows cause why the costs and fees should not be paid by Plaintiff, the court will order Plaintiff to pay defendant the reasonable costs and actual expenses incurred as a result of removal of this case to federal court. The court will retain jurisdiction over the determination and awarding of costs and expenses.

All plaintiff's claims asserted under state law are **REMANDED** to the Court of Common Pleas, Fayette County, Pennsylvania, **FORTHWITH.**

The clerk shall mark this case closed.

IT IS SO ORDERED.

DATE: March 19, 2010

/s/ JOY FLOWERS CONTI
Joy Flowers Conti
United States District Judge